

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

## DANNY JOE BARBER, III,

Plaintiff,

Case No. C24-5804-LK-SKV

V.

KITSAP COUNTY SUPERIOR COURT, *et al.*,

## Defendants.

## REPORT AND RECOMMENDATION

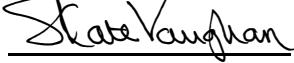
On September 6, 2024, Plaintiff submitted to this Court for filing a civil rights complaint 42 U.S.C. § 1983 in which he alleged violations of his constitutional rights arising out of going criminal proceedings in Kitsap County Superior Court. *See* Dkt. 1. However, Plaintiff failed to submit with his complaint either the requisite filing fee or an application to proceed with this action *in forma pauperis* (“IFP”). On September 25, 2024, the Clerk sent Plaintiff a letter advising him that his submission was deficient because he failed to meet the filing fee requirement and explaining that he would have to either pay the filing fee or submit an application by October 25, 2024, or risk dismissal of this action. Dkt. 3.

To date, Plaintiff has neither paid the filing fee, nor has he submitted an application to proceed IFP. As Plaintiff has had ample time to correct the deficiency identified by the Clerk,

1 but has failed to do so, this Court recommends that the instant action be dismissed without  
2 prejudice for failure to satisfy the filing fee requirement. A proposed Order accompanies this  
3 Report and Recommendation.

4 Objections to this Report and Recommendation, if any, should be filed with the Clerk and  
5 served upon all parties to this suit not later than **fourteen (14) days** from the date on which this  
6 Report and Recommendation is signed. Failure to file objections within the specified time may  
7 affect your right to appeal. Objections should be noted for consideration on the District Judge's  
8 motions calendar **fourteen (14) days** from the date they are filed. Responses to objections may  
9 be filed by **the day before the noting date**. If no timely objections are filed, the matter will be  
10 ready for consideration by the District Judge on **February 4, 2025**.

11 DATED this 14th day of January, 2025.

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14 S. KATE VAUGHAN  
United States Magistrate Judge  
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